In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 2163 of 2006
Decided on Sept 12,2006.

Ashutosh Tula ---petitioner

vs.

Haryana Financial Corporation & others ---respondents

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'ble Mr.Justice Pritam Pal

Present: Mr. R.M.Singh,Advocate, for the petitioner

Mr. Puneet Gupta,Advocate,for respondents Nos 1 and 3 and

Mr.S.S.Pattar,Sr.DAG,Haryana. for respondent No.2.

Jasbir Singh J:(Oral)

This writ petition has been filed, with a prayer to quash Recovery Certificate, Annexure P-1, issued by competent authority, while exercising powers under the Haryana Public Moneys (Recovery of Dues) Act, 1979.

Counsel for the petitioner states that in view of the judgment of Hon'ble Supreme Court in Uniqua Butyle Tube Industries (P) Ltd v. U.P. Financial Corporation and others (2003 (2) Supreme Court Cases 455, the proceedings for recovery of the defaulted amount, cannot be initiated under the above said Act.

When confronted with the above-mentioned argument raised by counsel for the petitioner, Mr. Gupta, states nothing to the

contrary. As per established law, this Court feels that it is open to the Financial Corporation to proceed against defaulter under the provisions of the State Financial Corporations Act, 1951. Thus, taking a note of the aforesaid judgment, this writ petition is allowed. Recovery Certificate, annexure P-1, is set aside. However, liberty is granted to the Financial Corporation to proceed against the petitioner afresh as per law.

(Jasbir Singh)
Judge

Sept 12,2006,
RR

(Pritam Pal)
Judge